

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

GEORGE WISHART,
Plaintiff,

v.

6:07-CV-0987
(DNH/GHL)

THE CITY OF ROME, *et al.*,
Defendants.

APPEARANCES:

OF COUNSEL:

GEORGE WISHART, 06-B-1621
Plaintiff, *pro se*
Lyon Mountain Correctional Facility
Box 276
Lyon Mountain, NY 12952

OFFICE OF CORPORATION COUNSEL
198 North Washington Street
Rome City Hall
Rome, NY 13440
Attorneys for defendants

GERARD F. FEENEY, II, ESQ.
DIANE M. MARTIN-GRANDE, ESQ.

GEORGE H. LOWE, UNITED STATES MAGISTRATE JUDGE

ORDER APPROVING DEFENDANTS' WAIVER OF POTENTIAL CONFLICT

On January 26, 2009 I issued an order directing defendants to take certain steps calculated to allow for a determination of whether defense counsel has fulfilled the ethical obligation to inform the defendants being jointly represented in this case of the potential adverse consequences of that joint representation, and whether each jointly represented defendant understands the nature of the potential conflict and has knowingly and voluntarily waived it. Dkt. No. 27. In response, defendants' counsel has submitted affidavits of defendants Finster, James and Barton stating that they have been apprised of the nature of the potential for conflict arising from joint representation of

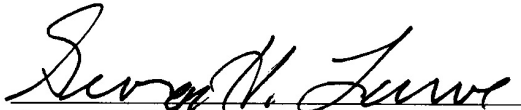
them by counsel for the City of Rome and have chosen, notwithstanding that potential conflict, to continue being represented by counsel for the City.

Based upon the foregoing, the court having reviewed the contents of the affidavits referred to above, it is hereby

ORDERED as follows:

1) Based upon the circumstances of which this court is presently aware, including the information set forth in the aforementioned affidavits, I find that those defendants have been provided with sufficient written notice by counsel of the potential for conflict inherent in their being jointly represented by the same attorney, and have knowingly and voluntarily chosen to waive that potential for conflict and proceed with that joint representation.

Dated: August 7, 2009
Syracuse, New York


George H. Lowe
United States Magistrate Judge